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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of the Netherlands

Legal and policy framework

1. With reference to the Committee's previous concluding observations (CEDAW/C/NLD/CO/5, para. 12), please provide information on specific steps taken to incorporate the provisions of the Convention into national law and to ensure the availability of effective remedies for all women, in particular migrant women, in all territories of the State party. Please also provide information on specific measures taken to address the disparities in the implementation of the Convention in those territories (ibid., para. 14). Please provide information on whether a commission mandated to draft an integrated national gender policy for Aruba has been appointed (CEDAW/C/NLD/5, para. 216).[1] Please also provide an update on the progress made by the Ministry of Public Administration, Planning and Service of Curaçao to develop a gender mainstreaming policy (para. 288). Please state whether there is a national strategy on gender equality covering all territories of the State party.

2. In the light of the Committee's previous concluding observations (CEDAW/C/NLD/CO/5, para. 16), please provide an update on the specific measures taken to raise awareness of the Convention and the Optional Protocol thereto, in particular among legal practitioners and members of the judiciary. Please also provide an update on measures taken to implement the Committee's recommendations in communication No. 36/2012 (CEDAW/C/57/D/36/2012).

Note: The present document is being issued in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.

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National machinery for the advancement of women

3. The Committee, in its previous concluding observations (CEDAW/C/NLD/CO/5, para. 18), expressed concern about the lack of a unified strategy and policy for the implementation of the provisions of the Convention among the territories of the State party. Given the constitutional restructuring of the State party (para. 4), which elevated Curaçao and Sint Maarten to the status of countries within the Kingdom and designated Bonaire, Sint Eustatius and Saba as "the Netherlands in the Caribbean", please provide information on the structure of the national machineries for the advancement of women's rights and the coordination of gender mainstreaming in all territories of the State party. Does the State party conduct gender impact assessments of laws and policies and gender budgeting analyses and, if it does, to what extent? Please provide information on the results of the implementation of gender mainstreaming in the State party.

Temporary special measures

4. The Committee, in its previous concluding observations (CEDAW/C/NLD/CO/5, para. 22), noted the lack of understanding of temporary special measures, as interpreted by the Committee in its general recommendation No. 25 (2004) on temporary special measures. In paragraph 20 of the report, it is stated that legislation is now in force that sets out targets for the percentage of women in top-level positions in the private sector and that the legislation would be evaluated in 2015. Please provide information on the results of the evaluation of the legislation and indicate whether the State party envisages introducing sanctions for non-compliance with the targets set out therein. Please also provide information on other temporary special measures adopted to accelerate the achievement of substantive equality between women and men in the public sector. Please specify the temporary special measures that are in place that are aimed at addressing the inequality experienced by disadvantaged groups of women, in particular migrant and ethnic minority women, apart from the "Thousand and One Strong" volunteer project (para. 24). What steps are envisaged to adopt prescriptive temporary special measures, including the use of quotas, to promote the de facto participation of women in political life?

Stereotypes and harmful practices

5. The Committee, in its previous concluding observations (CEDAW/C/NLD/CO/5, para. 24), expressed concern about traditional attitudes and stereotypes regarding the roles of women and men in the family and in society. The State party acknowledges that negative stereotyping of girls and women is still widespread in society, in particular in advertisements that "show little girls with toy vacuum cleaners and irons" (para. 15). Please provide information on measures taken to address persistent sexist and discriminatory advertising, including the sexualization of women by the media, in the State party. What progress has been achieved since the announcement by the Government of support for a platform for the media and non-governmental organizations on the subject of women and the media? Please provide information on specific measures taken to eliminate gender stereotypes reflected in discriminatory attitudes towards migrant women in society. Please also provide an update on the status of the legislative proposal to introduce civil law measures to prevent forced marriage, which was before the Senate at the time of reporting, in 2014 (para. 91). According to information before the

Committee, among some migrant communities in the State party, there is a problem known as "marital captivity", which constitutes forced marriage. Please provide information on measures taken to address the phenomenon.

Violence against women

6. In paragraph 76 of the report, it is acknowledged that every year around 220,000 adults are victims of serious violence in their domestic environment and that, in nearly 75 per cent of cases of known domestic violence, the majority of victims are women who are subjected to physical and sexual abuse. Please indicate the number of cases, investigations, prosecutions and convictions and the nature of punishment for perpetrators of violence against women, including domestic violence, and provide data on violence targeting migrant women. Please also provide information on the challenges and achievements in the implementation of the Temporary Domestic Exclusion Order Act (2009), which provides for the exclusion of perpetrators of domestic violence from their homes (para. 78). Please provide data on recidivism, given the evaluation of the impact of the Act, which indicated that domestic violence was less likely to recur after a temporary exclusion order (ibid.). Please also provide an update on the status of the temporary domestic exclusion orders bill for Aruba (para. 222). Please describe progress made to amend the Social Support Act to introduce provisions on the prevention of domestic violence.

7. In paragraph 194 of the report, it is indicated that the results of an exploratory study on violence against women in the Netherlands in the Caribbean (Bonaire, Sint Eustatius and Saba) give cause for concern. Please provide data on the extent of violence against women, including domestic violence, in the Netherlands in the Caribbean. Please also provide an update on progress made to develop and implement legislation to combat child abuse and domestic violence in Curaçao (para. 298). Please indicate the current status of the national action plan against violence in Curaçao, given that a committee was established to develop it in 2012.

8. According to paragraph 83 of the report, under the Youth Act, municipal authorities are now responsible for preventing child abuse and providing assistance to victims. Please provide information on the impact of and challenges posed by those changes in tackling child abuse. Please state the extent to which municipal authorities have provided shelter and assistance to victims of domestic violence and have used the guidelines on drafting and developing policy on the prevention of domestic violence that were issued by the central Government in 2009 (para. 82). What has been the impact of the change in approach to having a gender-neutral police service that deals with gender-based violence? What steps have been taken, given the publication of the study *Genderscan aanpak huiselijk geweld* in 2014, to ensure that systematic attention is paid to gender policy and practice on violence against women, in particular the role played by stereotypes and unequal power relations between men and women in families (para. 80)? What measures are in place to enhance the capacity of the organization that handles medical examinations of women asylum seekers to ensure thorough assessments and the identification of gender-based violence?

Trafficking and exploitation of prostitution

9. It is indicated that data from the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children from 2012 show that the Public Prosecution Service recorded the highest number of cases of trafficking in persons since 2000 (para. 105). Please provide information on assessments that have been conducted to understand that sharp increase in cases of trafficking. What specific interventions were made to ensure an increase in the number of convictions from 25 per cent between 2004 and 2009 to 71 per cent in 2010 and 2012 (para. 105)? Please provide an update on progress made to establish a national referral mechanism (para. 104). Please also provide data on the number of women victims of trafficking who were unwilling to cooperate with law enforcement officers in criminal investigations who have been granted a residence permit on humanitarian grounds (para. 115). What specific measures have been taken to address the vulnerability of migrant women and girls to trafficking for the purposes of forced prostitution and labour exploitation? Please comment on the rise in the number of minor victims of trafficking among sex workers (para. 110). Please provide data on the age and nationality of sex workers in the State party, in particular in Curaçao and Aruba.

10. Please provide an update on the work of the task force legislation committee in Aruba, which has been working to enshrine the rights of victims of trafficking to free legal aid and medical assistance, as well as their rights in relation to immigration issues (para. 245). Please also provide information on the survey of commercial sex workers conducted in Aruba, which was intended to determine the level of trafficking in women among commercial sex workers (para. 248).

11. Please provide an update on the status of the bill aimed at regulating prostitution and combating abuses in the sex industry, which was submitted to the House of Representatives in November 2009 (para. 119). What specific measures have been adopted to protect women engaged in prostitution from sexual exploitation, in particular by tourists who visit the territories of the State party for sexual and other services (para. 122)? Please provide data on women engaged in prostitution and explain how the current regulation of prostitution in the State party protects women and girls from exploitation (para. 121). What specific measures have been taken to reduce the demand for prostitution?

Participation in political and public life

12. It is indicated that women accounted for 27 per cent of senior civil service positions in 2013 and that the Ministry for Housing had submitted an action plan to the House of Representatives that set out how a target percentage of 30 per cent would be achieved (para. 126). Please provide an update on the status of the action plan and information on progress achieved in improving the representation of women in public and political life, in particular in mayoral and other local council positions. Please explain the effectiveness of the "comply or explain" principle, which seeks to ensure the meeting of numerical targets set each year to fill positions with women in the State party (para. 128). Please provide information on measures taken to improve the representation of women in decision-making positions in academic institutions, in particular the number of female professors (para. 145). Please also provide data on the participation of women in political and public life in the Netherlands in the Caribbean (paras. 201-203). What measures are in place to

improve the participation of women in political life in Aruba (para. 249)? It is indicated that, in Curaçao, women are underrepresented in political, social and administrative decision-making processes, in particular in high-level positions (para. 301). Please state the specific measures in place to address the problem.

13. It is acknowledged that overall female participation at the Ministry of Foreign Affairs, including diplomats, stood at 50 per cent in 2012, but women occupied only 18 per cent of the highest-ranking posts in the diplomatic service (para. 128). Please state the specific measures being taken to improve the representation of women in senior diplomatic positions in the foreign service.

Education

14. It is indicated that "subject choice is not only gender-stereotyped; it also depends strongly on ethnic background and thus on prejudices about certain sectors" (para. 140). Please describe the measures taken to address those prejudices. Please provide information on the progress made in encouraging girls to pursue non-traditional courses, in particular courses in science and technology. What steps have been taken to address the root causes responsible for the high number of non-Western ethnic minority students who fail their final exams (para. 137)? Please provide information on progress made to reduce illiteracy in the State party. Please explain the specific impact of the *Tafel van Een* (Table of One) method "geared to communication with, assistance for and recruitment and activation of poorly educated women who are unemployed and receive no benefits" (para. 22).

15. Please specify the measures taken to address the decrease in school attendance by girls over 15 years of age in Aruba (para. 256). Please provide information on the delivery of mandatory age-appropriate education on sexual and reproductive health rights, including responsible sexual behaviour, in the State party, in particular in Curaçao (para. 365). According to information before the Committee, the school dropout rate in Curaçao is between 32 and 34 per cent, and undocumented migrant children do not receive diplomas upon completing their education. Please provide data on the number of girls who drop out of school and the measures taken to address the non-issuance of diplomas for undocumented migrant children when they complete school.

Employment

16. It is acknowledged that the gender wage gap remains an issue of concern and that most women work part-time (para. 52). Please provide information on the progress made in closing the gender wage gap, including the follow-up measures required to combat discrimination in the labour market, given the issuance of the advisory report of the Social and Economic Council of the Netherlands (SER) (para. 55). Please state measures that are in place to ensure women's access to full-time and part-time employment and their career progression. What measures are envisaged to tackle gender disparity in terms of pension contribution, which may be responsible for old-age poverty among women in the State party (paras. 66, 68 and 69)? It is indicated that ethnic minority women work longer hours than women of Dutch origin (para. 35). What measures have been introduced to address that phenomenon and improve the participation of migrant women in the labour market? Please provide information on measures being taken to deal with the concentration of women in low-paid and traditional occupations in Curaçao (para. 316). Please

also provide data on unemployment among women in Curaçao, given that the overall rate of unemployment there is 15 per cent.

17. It is indicated that, while the number of women taking parental leave has grown, women take more hours of parental leave per week than men (para. 51). Please provide data on the percentage of women with childcare responsibilities who use flexible working arrangements in order to balance work and family life (para. 44). In addition, what steps are being taken to ensure that men are actively involved in caring for their children so that there is shared responsibility in childcare between women and men? Please provide information on the provision of childcare services, given that there has been a drop in their use (para. 49). Please explain the involvement of the Government in regulating the use of flexible working arrangements in the light of the position that this is mainly negotiated between employers and employees (para. 41). Please state measures taken to address discrimination in employment on the grounds of pregnancy and maternity and provide information to women on their labour rights (para. 61).

18. In its previous concluding observations (CEDAW/C/NLD/CO/5, para. 38), the Committee expressed concern that domestic workers had limited access to social security, disability benefits and pensions. In paragraph 38 of the report, it is indicated that the Government has appointed a committee to investigate the scope for improving the position of domestic workers. Please provide information on the outcome of those investigations and measures taken to improve the rights of domestic workers in the labour market. What steps have been taken to ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189)? Please provide additional information on the introduction of a voucher system for paying domestic workers for services rendered (para. 38).

Health

19. Please provide information on measures taken to improve access to obstetric care for women asylum seekers in the light of the Committee's concern, expressed in its previous concluding observations, that maternal mortality among female asylum seekers is four times higher than among women of Dutch origin (CEDAW/C/NLD/CO/5, para. 46). It is indicated that heart failure is now the leading cause of death among women in the State party (para. 146). Please state specific measures being taken to tackle that phenomenon. Please provide information on measures taken to ensure access to health services by disadvantaged groups of women, in particular migrant women. It is indicated that, in Aruba, the percentage of individuals with disabilities increases with age, an increase that manifests itself most notably among older women (para. 240). Please provide information on specific measures being taken to understand the root causes and address the problem. Please also provide information on access to abortion services in the State party, in particular in Sint Maarten and other territories (para. 410). Please provide data on the extent of teenage pregnancy in the State party, in particular in Sint Maarten (para. 403).

Disadvantaged groups of women

20. It is indicated that women's participation in the labour market is greater in the western regions of the State party, which are highly urbanized, compared with the north of the country (para. 74). Please provide information on specific measures

being taken to improve women's participation in the labour market in the less-urbanized northern part of the State party. Please also provide information on progress made to combat the feminization of poverty and the "isolation of older women and single mothers" in the State party (see CEDAW/C/NLD/CO/5, para. 44). Please provide information on the gender impact of the new regulations and policies on informal care that provide for the residence of older persons in the home so that they are less dependent on municipal facilities. Please also provide data on the situation of rural women, women with disabilities, older women and migrant women. What steps have been taken to alleviate the negative impacts that social security reforms and austerity measures in the health-care system have had on the living conditions of those women (see ibid.)?

Marriage and family relations

21. The Committee, in its previous concluding observations (ibid., para. 42), expressed concern that the formal requirements for family reunification, namely the integration test and minimum income requirement, that the State party imposed on certain nationalities, disproportionately affected migrant women. According to information before the Committee, the income requirement has been lowered, but the civic integration requirements have been tightened. Please provide information on the gender impact of the changes, in particular among those migrant women who lack high levels of education and literacy.